

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wassim Abedrabbo	Team: Squad #9	CCRB Case #: 202008262	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/15/2020 1:30 PM	Location of Incident: 5th Precinct stationhouse	Precinct: 01	18 Mo. SOL 1/15/2022	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 12/08/2020 3:59 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 12/08/2020 3:59 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SSA Patrick Quigley	00005	934081	SRG 5

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Brianna Carlo	13238	960326	SRG 5

Officer(s)	Allegation	Investigator Recommendation
A.SSA Patrick Quigley	Discourtesy: Sergeant Patrick Quigley was discourteous to § 87(2)(b)	
B.SSA Patrick Quigley	Discourtesy: Sergeant Patrick Quigley acted discourteously toward § 87(2)(b)	

Case Summary

On December 8, 2020, this complaint was filed on behalf of § 87(2)(b) by his attorney § 87(2)(b).

On July 15, 2020, § 87(2)(b) was arrested in relation to the 2020 Police Brutality Protests and ultimately taken to the 5th Precinct stationhouse. At approximately 1:30 p.m., he was taken out of a holding cell by Sergeant Patrick Quigley and Police Officer Brianna Carlo, both of SRG5. While speaking to § 87(2)(b) Sgt. Quigley told § 87(2)(b) that he was “lucky” that he was being released and should thank the officers for doing their job; after which, he pulled § 87(2)(b)’s COVID-19 mask down and told § 87(2)(b) to look him in the eye while “right in” his face (**Allegation A: Discourtesy – Other, § 87(2)(g)**) (**Allegation B: Discourtesy – Action, § 87(2)(g)**).

Ultimately, § 87(2)(b) was taken back to One Police Plaza and released, and the arrest that preceded the incident in question was voided (**Board Review 01**).

No BWC was obtained in relation to the incident in question, given that Sgt. Quigley was not required to engage his BWC.

Findings and Recommendations

Allegation (A) Discourtesy: Sergeant Patrick Quigley was discourteous to § 87(2)(b)

Allegation (B) Discourtesy: Sergeant Patrick Quigley acted discourteously toward § 87(2)(b)

§ 87(2)(b) stated (**Board Review 03**), and Sgt. Quigley and PO Carlo corroborated (**Board Review 04**) (**Board Review 05**), that § 87(2)(b) was arrested on the Brooklyn Bridge during a 2020 Police Brutality Protest for allegedly assaulting a police officer; after which, he was transported to One Police Plaza. It is also undisputed that he was then transported to the 5th Precinct stationhouse and placed in a holding cell. Additionally, it is undisputed that Sgt. Quigley investigated the allegation that § 87(2)(b) assaulted a police officer and determined that he did not assault a police officer. Finally, it is undisputed that while at the 5th Precinct stationhouse, Sgt. Quigley and PO Carlo took § 87(2)(b) out of the holding cell and Sgt. Quigley spoke with § 87(2)(b) about his release.

In his CCRB interview, § 87(2)(b) stated that during the conversation about his release, Sgt. Quigley told him that he was lucky he was being released and he should thank the officers for doing their job (**Board Review 03**). Sgt. Quigley then pulled § 87(2)(b)’s mask down and told him to look him in the eye, while being “right in” § 87(2)(b)’s face.

During his interview with the CCRB, Sgt. Quigley stated that he recalled “interacting with an individual,” who was at the 5th Precinct stationhouse after being arrested on the Brooklyn Bridge for allegedly assaulting a police officer (**Board Review 04**). He did not recall § 87(2)(b)’s name, and was unable to confirm § 87(2)(b) was the person he interacted with after being presented a photo. The individual he interacted with, determined by the investigation to be § 87(2)(b) had concerns about his arrest and charge of assault on a police officer, so Sgt. Quigley reviewed an ARGUS camera and determined that § 87(2)(b) did not assault a police officer. Sgt. Quigley added that after it was decided § 87(2)(b) would be released, he took § 87(2)(b) out of the holding cell and interacted with him in front of the Command Desk. There, Sgt. Quigley may have used the word “lucky” to communicate that § 87(2)(b) was lucky Sgt. Quigley did his due diligence to confirm whether he assaulted a police officer. Sgt. Quigley did not recall whether § 87(2)(b) was wearing a mask at the time of their conversation. He did not recall whether he pulled § 87(2)(b)’s mask down and stepped close, face-to-face, with § 87(2)(b) or whether he told § 87(2)(b) to look him in the eye.

When asked, Sgt. Quigley described that the stationhouse was busier than usual and would not have been able to identify any officers in the vicinity of that interaction. § 87(2)(b)’s demeanor was “grateful” and “thankful.”

PO Carlo confirmed that § 87(2)(b) was wearing a mask when he was taken out of the holding cell at the 5th Precinct stationhouse (**Board Review 05**). When asked, PO Carlo stated she did not recall whether Sgt. Quigley told § 87(2)(b) that he was “lucky” that he was being released. PO Carlo also stated that she did not recall seeing Sgt. Quigley pull § 87(2)(b)’s mask off his face, get face-to-face, and tell him to look him in the eye.

Sgt. Quigley recalled many details related to his interaction with § 87(2)(b) but did not recall whether he pulled § 87(2)(b)’s mask off and got in his face, an action that would have been considered egregious and memorable less than three months after the mid-March 2020 pandemic. Having remembered minor details but not major details relevant to the discourteous action allegation hinders Sgt. Quigley’s credibility.

§ 87(2)(g)

NYPD Patrol Guide Procedure 200-02 (**Board Review 06**). It is a value of the NYPD to

§ 87(2)(g)

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Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 07**).
- Sgt. Quigley has been a member of service for 17 years and has been a subject in 12 other CCRB complaints and 34 other allegations, of which three allegations were substantiated:
 - 201200818 involved substantiated allegations of Abuse – Stop and Abuse – Frisk against Sgt. Quigley. The board recommended charges, but the NYPD did not impose discipline.
 - 201804625 involved a substantiated allegation of Abuse – Refusal to obtain medical treatment against Sgt. Quigley. The board recommended Command Discipline B, but the NYPD did not impose discipline.
 - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation due to the pending civil lawsuit.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming mental anguish, emotional distress, suffering, humiliation, and more, and seeking \$1,000,000 as redress (**Board Review 08**). A 50H hearing has not yet been scheduled.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 02**).

Squad: 09

Investigator: Wassim Abedrabbo SI Wassim Abedrabbo 11/18/2021
Signature Print Title & Name Date

Squad Leader: Monique West IM Monique West 11/18/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date